

**CITY OF CHICAGO  
DEPARTMENT OF TRANSPORTATION  
BUREAU OF BRIDGES AND TRANSIT**

**Comments to Notice of Proposed Rulemaking  
33 CFR Part 117  
[USCG-2001-10881]  
RIN 1625-AA36**

**Drawbridge Operation Regulations:  
Amendment to Drawbridge Operation Regulations**

The Chicago Department of Transportation's (CDOT) Bureau of Bridges and Transit as owner and operator of certain drawbridges on the Chicago and Calumet Rivers, has the following comments on the Notice of Proposed Rulemaking to 33 CFR 117 [USCG-2001-10881]:

**§117.7 General Requirements of drawbridge owners.** The proposed rule removes the former modifier "Except for drawbridges not required to open for the passage of vessels..." The proposed language would seem to require even those drawbridges for which are exempted from opening to meet the six month operational requirement. This would pose an unnecessary burden on CDOT, necessitate the expenditure of more than \$2 million per bridge to insure that the eleven bridges currently exempted from the opening requirements in §117.391(c) comply with the new regulation. As such, CDOT cannot accept this proposed change and recommends that the existing paragraph (b) be retained.

**§117.8 Permanent changes to drawbridge operation.** CDOT proposes that paragraph (b) be amended to require the District Commander to respond to written requests within 30 days after receipt.

**§117.35 Change in drawbridge operating schedule for maintenance.** CDOT objects to the increased notice requirement of paragraph (a)(3). The former 30 day requirement provided ample opportunity to provide notice to mariners and the increased 90 day requirement is unduly burdensome to operators and may result in increased repair costs due to deferral of routine maintenance resulting from the longer notice period. The proposed revision of paragraph (c) from paragraph (a)'s "The District Commander's decision is forwarded to the applicant within five working days of the receipt of the request." to "The District Commander's decision is *normally* forwarded to the bridge owner within five working days after receipt of the request." removes the previous burden of the District Commander to comply with the rule's response requirement of the five working day period. Allowing an arbitrary response period increases the difficulty of scheduling the work for the owner.

**§117.36 Closure of drawbridge for emergency repair.** §117.35(b) formerly included a provision for "...when vital, unscheduled repair or maintenance work

shall be performed without delay,...” The proposed rulemaking eliminates this reference in §117.35 and now provides a new paragraph §117.36 but makes no provision for such “vital, unscheduled repair and maintenance work”. For owners with older bridges, unscheduled repairs and maintenance is considered the norm rather than the exception. Eliminating this provision leaves the owner without a means to effectively handle unscheduled repairs and maintenance – since there is proposed a 90 day notice requirement for all such closures – which may risk further damage to the bridge structure and machinery and increase owner costs. CDOT objects to the elimination of the emergency repair provisions of §117.35 and 36.

**§117.39 Closure of drawbridge due to infrequent requests for openings.** The proposed rulemaking imposes additional requirements on the owner that the former wording for this section left to the discretion of the District Commander. CDOT strongly objects to the proposed wording in that it imposes potentially expensive testing and maintenance requirements for bridges that may no longer be used. As worded, the proposed rulemaking would appear to limit an owner’s ability to declassify a movable span which is no longer used for navigational purposes. CDOT further proposes that additional language should be provided that allows an owner to remove a movable span subject to (1) no requested openings for the passage of a vessel for a period of five years; (2) notice placed in the Federal Register by the District Commander for a period of 90 days; and, (3) no objections received by commercial navigation interests.

**§117.43 Deviation for testing drawbridge operation changes.** CDOT strongly objects to the addition in paragraph (b) of the words “may be requested by the public” since such requests may be arbitrary and not based on detailed knowledge of bridge operations.

**§117.391 Chicago River.** Note that under (c), South Damen Avenue was officially permitted to be a fixed span and is no longer a drawbridge.